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E.O. 12958: DECL: 09/24/2017  
TAGS: [KCRM](#) [KJUS](#) [LE](#) [PREL](#) [SY](#)  
SUBJECT: U.S. RECOMMENDATIONS FOR SPECIAL TRIBUNAL FOR  
LEBANON JUDGES/PROSECUTOR/STAFF DELIVERED

REF: A. STATE 133859  
[1](#)B. WILCOX/REINEMEYER EMAIL--08/07/07

Classified By: Amb. Alejandro D. Wolff, for reasons 1.4(b) and (d).

[1](#)1. (C) BEGIN SUMMARY: Mission Legal Adviser delivered reftel names of individuals interested in working with the Special Tribunal for Lebanon to UN Legal Counsel Nicolas Michel and UN Assistant Secretary General for Legal Affairs Larry Johnson on September 24. On the margins of the meeting, Michel and Johnson also reported that the Netherlands has sent the UN a draft Headquarters Agreement for the Tribunal and said the UN is working to establish the Management Committee for the Tribunal. END SUMMARY.

[1](#)2. (C) Michel and Johnson thanked the United States for providing names of potential candidates to serve as judges and prosecutors of the Special Tribunal for Lebanon, said the UN had not received many names yet, and assured USUN that they would hold the U.S. names in strict confidence. Note: September 24 is the date by when the UN requested states to submit names to the UN (ref B). End Note. Stressing the need to identify qualified judges from the Middle East, they asked if the United States could provide names of judges from the region. Michel said he had spoken with Egyptian Permanent Representative Maged Abdelaziz to ask him to contact former Egyptian Permanent Representative and International Court of Justice Judge Nabil al Araby, a jurist who also previously represented Egypt in the UN General Assembly's Sixth Committee.

[1](#)3. (C) On the margins of the meeting, Michel and Johnson also reported that the Netherlands has provided the UN with a draft Headquarters Agreement for the Tribunal. The Netherlands continues to insist on receiving prior assurances that other states will take persons convicted by the Tribunal "immediately" after their trials conclude. As drafted, the Headquarters Agreement makes the Netherlands' agreement to host the Tribunal contingent on receiving such assurances, but Michel said he hoped the UN could reach an acceptable compromise with the Dutch. Prime Minister Balkenende will likely raise the issue when he meets with the Secretary-General this week, Michel said.

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[1](#)4. (C) Michel and Johnson also discussed the UN's work to establish the Management Committee for the Tribunal. Consistent with the Annex to resolution 1737 (2007), the UN and Lebanon have agreed to establish a Management Committee and the Lebanese have agreed that the UN would draft the terms of reference for the Committee. The UN wants to involve interested states, particularly Middle Eastern states

that expressed concern about the Tribunal, but avoid giving such states a role in decision making or the opportunity to block the operations of the Tribunal. The UN is considering organizing a small (six to eight states) Management Committee, along the lines of the Management Committee for the Special Court for Sierra Leone, as well as a larger group of interested states. The larger group would serve mainly as a forum for providing information on Tribunal developments. The UN Office of Legal Affairs will meet this week with the Canadian chairman of the SCSL Management Committee to seek his views on structure and operations of such committees. The UN also has invited other members of the SCSL Management Committee to share lessons learned.

KHALILZAD